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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,500	07/07/1999	MASAHIDE HIRASAWA	35.C13649	5327

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EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,500

Applicant(s)

HIRASAWA, MASAhide

Examiner

Brian C Genco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 16, 18, 20-23, 25-29, 35, 37, 58-61, 63-67, 73, 75 and 77-83 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 16, 18, 20-23, 25-29, 35, 37, 58-61, 63-67, 73, 75 and 77-83 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9-30- and 10-22-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Applicant's amendment filed September 30, 2004 has been fully considered by the Examiner but are not deemed persuasive.

Applicant argues that the combination of Endsley and Nishitani does not disclose displaying a plurality of photographing conditions, selecting a desired photographing condition, and transmitting to the image pickup apparatus a plurality of control data corresponding to the photographing condition selected. In particular, Endsley does not disclose all of the above features as noted in the previous Office Action and Nishitani merely discloses a card corresponding to one of a plurality of predetermined photography modes and there is no motivation in the references to combine them to meet the claim limitations.

In response, Examiner notes that while Endsley does not disclose all of the limitations above, Endsley does disclose to display a plurality of control data for a user to select and generate a camera configuration for subsequently transfer to a camera (column 5, lines 3-14; Endsley). Further, Endsley discloses that the camera control data are selected through selecting an advanced camera settings icon to obtain an advanced camera settings screen on through as many additional screens are as needed (column 7, lines 35-43; Endsley). Thus Endsley teaches that additional camera setting screens may be added as needed.

Nishitani discloses cards for automatically setting a photography mode corresponding to a photographing environment depicted on the card. This enables a user to automatically set exposure conditions corresponding to a photographing environment. Further, Nishitani teaches it is advantageous to have a depiction of the photographing condition on the card so that a user can easily determine which mode the card corresponds.

Since the Endsley reference teaches to select camera control data through a GUI it would have been obvious to one of ordinary skill in the art to have added an advanced camera setting screen to Endsley to display a plurality of pictures corresponding to the pictures on the cards of Nishitani so as to enable a user to easily identify different photography modes corresponding to different photographing environments for selection so as to enable automatic setting of the camera with photographing control data corresponding to different photographing environments.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6-10, 16, 18, 20-23, 25-29, 35, 37, 58-61, 63-67, 73, 75 and 77-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 6,005,613 to Endsley et al) in view of (USPN 5,184,169 to Nishitani).

In regards to claim 1 Endsley discloses an image pickup control apparatus for controlling an image pickup apparatus via a data communications interface unit, the image pickup control apparatus comprising:

a storage unit which stores a plurality of kinds of control data for controlling the image pickup apparatus (e.g., the storage means is inherent in storing all of the different control variables shown in Table 1 on column 5);

a connection detecting unit which detects a connection to the image pickup apparatus via the data communications interface unit (e.g., the connection detecting means is inherent with the USB interface);

a selection unit which displays the plurality of kinds of control data for controlling the image pickup apparatus and selects a desired control data from among the plurality of displayed control data (e.g., Figs. 3A and 3B);

a control unit which is communicatively coupled to said storage unit, said connection detecting unit and said selection unit, wherein in a case that said connection detection unit detects the connection to the image pickup apparatus, said control unit effects control so as to transmit to the image pickup apparatus the plurality of kinds of control data selected by said selection unit (e.g., column 5, lines 3-14; Fig. 1).

Endsley does not disclose nor preclude storing in accordance with a plurality of photographing conditions a plurality of kinds of control data, selecting a desired photographing condition via a selection unit, and transmitting the plurality of kinds of control data corresponding to the photographing condition selected to the image pickup apparatus.

Nishitani discloses exposure control cards 12 for automatically setting the exposure of the camera to correspond with an environment and photographing state of a subject depicted on the card (column 3, lines 1-14; column 4, lines 1-11). Therefore it would have been obvious to one of ordinary skill in the art to have enabled the selection of pre-stored exposure settings for an environment and photographing state of a subject as disclosed by Nishitani in order to automatically set the camera for various exposure events.

Examiner notes that Nishitani discloses that the pre-stored exposure settings be stored in cards, however it would have been obvious to one of ordinary skill in the art at the time of the invention to have had exposure settings pre-stored in Endsley's computer in order to generate multiple camera configurations in an automatic manner as suggested by Nishitani (note column

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8, lines 35-36 of Endsley). As such, Examiner notes that it would have further been obvious to one of ordinary skill in the art to have depicted the pre-stored exposure settings in the selection screens of Figs. 3A and 3B with the pictures on Nishitani's cards so that a user can easily determine the mode to which each pre-stored exposure setting corresponds (column 3, lines 10-14; Nishitani).

In regards to claim 2 note Figs. 3A and 3B, wherein in the bottom of Fig. 3B the Hue is adjusted, in the top of Fig. 3B the stop and shutter speed are adjusted, namely the exposure settings, and in the top of Fig. 3B the color density is adjusted though the selection of a color or gray scale picture as well as resolution setting.

In regards to claim 3 note column 3, line 66 – column 4, line 47, wherein a USB communication protocol is described. Note that the reception state of the image pickup apparatus is inherent in the description of both the SYNC field and the Handshake Packet, namely the communication cannot occur unless the bit recovery clocks are synchronized, wherein upon synchronization the camera is ready to receive data. Further, in any handshaking operation of data transfer it is necessary to have feedback from the apparatus being communicated with indicating it is ready for more data, in this case indicating transfer of data was successful, and thereby indicating a state in which more data can be sent.

In regards to claim 4 Endsley discloses camera registers 72 for storing camera configurations from the computer (column 5, lines 3-13).

In regards to claim 6 see Examiner's notes on the rejection of claim 1. Note that Nishitani discloses events such as landscape, portrait, wedding, sports, etc. wherein it would have been well within the skill of one of ordinary skill in the art to have also included evening

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photographing, close-up photographing, ski ground photographing, night scene photographing, etc. if necessary.

In regards to claim 7 Examiner notes that Nishitani discloses a model image printed on the card so as to enable a user to easily identify which exposure condition is on that card (column 3, lines 1-14). Therefore it would have been obvious to one of ordinary skill in the art to have displayed a model image of the photographing condition in the selection means in order to enable a user to identify which exposure condition is being set.

In regards to claim 8 see Examiners notes on the rejection of claim 6. Note that it would have been obvious to one of ordinary skill in the art at the time of the invention to have changed the control settings of the camera according to the model image so as to enable automatic change of exposure settings corresponding to depicted events.

In regards to claim 9 see Examiners notes on the rejection of claims 6 and 8.

In regards to claim 10 note that it is implied in the disclosure of Endsley that the registers can be re-written so as to enable a wide variety of combinations for camera settings.

In regards to claim 16 Examiner notes that the interface is a USB wherein a USB is a general digital interface.

In regards to claim 18 Examiner notes that an IEEE 1394 interface bus is very similar to a USB interface wherein it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a IEEE 1394 bus interface in order to enable higher data transfer rates.

In regards to claim 77 see Examiners notes on the rejection of claims 1 and 3.

In regards to claims 78 see Examiners notes on the rejection of claim 2.

In regards to claims 79 see Examiners notes on the rejection of claim 3. Note that utilizing the selection unit of Endsley is a manual setting mode.

In regards to claim 80 see Examiners notes on the rejection of claim 6.

In regards to claims 81-83 see Examiners notes on the rejection of claims 6-10.

Examiner notes that claim groups 20-23, and 35; 58-61, and 73 are substantial duplicates of claims 1-4, and 16 respectively wherein the method, system, and storage medium storing a control program are all equally met by the rejections presented above. As such, these claim groups are herein rejected using the same rejections as presented for claims 1-5, and 16.

Examiner notes that claim groups 25-29; and 63-67 are substantial duplicates of claims 6-10 respectively wherein the method, system, and storage medium storing a control program are all equally met by the rejections presented above. As such, these claim groups are herein rejected using the same rejections as presented for claims 6-10.

Examiner notes that claims 37 and 75 are substantial duplicates of claim 18 wherein the method, system, and storage medium storing a control program are all equally met by the rejections presented above. As such, these claim groups are herein rejected using the same rejections as presented for claim 18.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

November 5, 2004



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